

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: **06/27/2007**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bauer**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters: **chanaman**

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Bauer -

Topic:

Collective bargaining and sheriff's powers over jail operations (Assembly)

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rchampag 06/27/2007	wjackson 06/27/2007	jfrantze 06/27/2007	_____	lparisi 06/27/2007		

FE Sent For:

<END>

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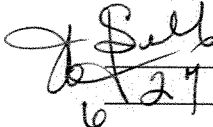
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/1	rchampag	1WJG/27					

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<END>

LFB

RAC Jeri Bauer
BAUER

AA3

DRAFT

to ASAI to ~~SB~~ SB40

Member Policy Motions:

Sheriff Authority - Montgomery (no bill number)

CC

RAC

Authorizes the Sheriff to contract with any person (broadly defined in S.S. 990.01 (26)) to provide meals for inmates of the county jail if the Sheriff determines that the contract will result in lower costs than if the county were to provide the meals. Provide that the authority first applies to employees who are covered by a collective bargaining agreement that includes provisions inconsistent with the exercise of the authority by the Sheriff on the day the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

(Note: The WI Supreme Court recently ruled that the oversight of jail food service was outside the constitutional authority of the Sheriff - this motion addresses that problem in the case in which the ruling was related to, the Sheriff was saving approximately \$1.1 million annually by privatizing the jail's food service.)

Felons in Schools - Petrowski (2007 Assembly Bill 30)

CC

Gmm

Provide that it is not employment discrimination because of a conviction record for an "educational agency" to refuse or terminate employment an individual who has been convicted of a felony and who has not been pardoned for that felony.

Currently, schools are not exempt from the portion of the Fair Employment Act which makes it illegal to deny employment to an individual on the basis of a felony conviction. This motion will provide another tool for schools to protect our children.

John Doe proceedings-Wood (no bill number)

CC

CmH

Prohibit a prisoner from initiating a John Doe Proceeding under SS. 968.26(1) John Doe Proceeding.

This change would require inmates to file their complaints alleging criminal conduct with district attorneys for the purpose of allowing them to investigate and determine whether a John Doe proceeding is necessary rather than requiring judges to hold such proceedings on what may be claims with no merit.

Over the past several years inmates in the correctional system have been filing complaints under the John Doe Proceeding statute alleging criminal conduct by correctional staff instead of going through the Inmate Complaint Review System under DOC code because there are no filing fees. If the prisoners merely allege facts that would lead the judge to believe a crime has been committed, the judge must hold a hearing on the matter. As a result it is proving to cost judges, District Attorney's, correctional staff and attorneys a great deal of time and resources on complaints which are ultimately deemed to be without merit. Ex. In 2003-2004 one prisoner alone filed at least 20 John Doe complaints in 5 different counties.

(Note: under SS801.02(7)(d) and 814.29(1m)(f) any inmate who is in imminent danger of serious physical injury may proceed civilly without making any prepayment of fees, regardless of whether the inmate has incurred three strikes)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0760/1
RAC&CMH:.....

Wlj

LFB:.....Bauer - Collective bargaining and sheriff's powers over jail operations

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 1228, line 9: after that line insert:

3 "SECTION 2664d. 111.70 (1) (a) of the statutes is amended to read:

4 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
5 obligation of a municipal employer, through its officers and agents, and the
6 representative of its municipal employees in a collective bargaining unit, to meet and
7 confer at reasonable times, in good faith, with the intention of reaching an
8 agreement, or to resolve questions arising under such an agreement, with respect to
9 wages, hours and conditions of employment, and with respect to a requirement of the
10 municipal employer for a municipal employee to perform law enforcement and fire

1 fighting services under s. 61.66, except as provided in sub. (4) (m) and (pr) and s.
2 40.81 (3) and except that a municipal employer shall not meet and confer with respect
3 to any proposal to diminish or abridge the rights guaranteed to municipal employees
4 under ch. 164. The duty to bargain, however, does not compel either party to agree
5 to a proposal or require the making of a concession. Collective bargaining includes
6 the reduction of any agreement reached to a written and signed document. The
7 municipal employer shall not be required to bargain on subjects reserved to
8 management and direction of the governmental unit except insofar as the manner
9 of exercise of such functions affects the wages, hours and conditions of employment
10 of the municipal employees in a collective bargaining unit. In creating this
11 subchapter the legislature recognizes that the municipal employer must exercise its
12 powers and responsibilities to act for the government and good order of the
13 jurisdiction which it serves, its commercial benefit and the health, safety and welfare
14 of the public to assure orderly operations and functions within its jurisdiction,
15 subject to those rights secured to municipal employees by the constitutions of this
16 state and of the United States and by this subchapter.”.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253.

✓ **2.** Page 1228, line 17: after that line insert:

“**SECTION 2666h.** 111.70 (4) (m) (title) of the statutes is amended to read:

111.70 (4) (m) (title) *Prohibited subjects of bargaining; school districts.*

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253.

SECTION 2666p. 111.70 (4) (pr) of the statutes is created to read:

111.70 (4) (pr) *Prohibited subjects of bargaining; counties.* In a county, the
municipal employer is prohibited from bargaining collectively with respect to a
sheriff’s decision to have persons other than municipal employees provide meals to

1 inmates, provided that the sheriff determines that the meals can be provided at a cost
2 lower than if municipal employees provided the meals. The municipal employer is
3 also prohibited from bargaining collectively the impact of that decision on the wages,
4 hours, or conditions of employment of the municipal employees who perform those
5 services.”.

6 **3.** Page 1656, line 10: after that line insert:

7 IL ^{IL}“(?) COLLECTIVE BARGAINING RELATED TO PROVISION OF FOOD SERVICES IN COUNTY
8 JAILS. The treatment of section 111.70 (1) (a) and (4) (m) (title) and (pr) of the statutes
9 first applies to collective bargaining agreements entered into, extended, modified, or
10 renewed, whichever occurs first, on the effective date of this subsection.”.

11 (END)

WIT
APP



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0760/1
RAC&CMH:wlj:jf

LFB:.....Bauer - Collective bargaining and sheriff's powers over jail operations (Assembly)

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8 first applies to collective bargaining agreements entered into, extended, modified, or
9 renewed, whichever occurs first, on the effective date of this subsection.”.

10 (END)